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October 31, 2014

Honorable Alvin Hellerstein
United States District Judge
Southern District of New York
The Courthouse
500 Pearl Street, Room 1050
New York, New York 10007

SENT VIA ECF AND FIRST CLASS MAIL

Re: Castillo et al. v. El Tequilazo, et al (12-cv-3180)

Dear Judge Hellerstein:

Pursuant to Rule 2(E) of your Individual Rules, we write to advise the Court of a discovery dispute in the above captioned matter. The dispute involves our allegation that defendant Abelardo Longas provided false and perjurious discovery responses.

Navarro Defendants' Position

This dispute arises from Defendant Longas's false responses to discovery demands served by the plaintiffs. Defendant Longas has resisted providing discovery responses in this case since its filing.

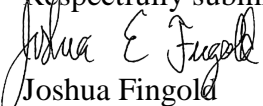
At the status conference held on June 25, 2014, the Court ordered Longas to provide responses and also ordered that Longas sign an affidavit attesting to the truth of those responses. Defendant Longas provided the ordered discovery responses and the required affidavit. Those responses indicate that the only accountant for El Tequilazo Corp. was Carlos Telias.

On October 15, 2014, the Navarro defendants deposed Longas and learned that the actual accountant for El Tequilazo was Manuel Vidal. We also learned, for the first time, that Vidal is apparently an investor in the restaurant.

Attached for the Court's consideration is the page from the discovery response of Longas where he indicates the name of the accountant for the business, his affidavit attesting to those responses and the relevant page from his recent deposition where he explained the discrepancy by stating that he "forgot." The Longas deposition transcript was first made available to us yesterday.

The Navarro defendants believe that Manuel Vidal should be added as a defendant to this case, and in any case, it is necessary to depose him. I realize that the Court is not inclined to extend discovery again, but given Longas's deception, I respectfully ask that the Court to enlarge the period of discovery one final time and permit us to serve a subpoena and notice of deposition upon Manuel Vidal. I also respectfully request that the deposition be *so ordered* by the Court.

The Navarro defendants had previously attempted to depose Vidal, since his name appears on the tax returns, but we were unsuccessful in locating him. At the deposition, we were able to confirm the correct address for Vidal and also obtain his phone number. With the Court's permission, we can now proceed with Vidal's deposition.

Respectfully submitted,

Joshua Fingold

Defendant Longas's Position

Navarro Defendants' accusations of perjury are unfounded and inflammatory. Manuel Vidal is accountant for Maello Corp. Defendant Longas answered truthfully to the best of his knowledge regarding accountant for El Tequilazo Corp.

Defendant Longas urges court to reject request for subpoena of Mr. Vidal.

- Identification of address and phone number of El Maelo Corp., Chips and Salsa Restaurant and/or its successors or assigns' accountant;

Accountant for Navarros:
Alfred Nesarajah.
Weygant, Nesarajah & Co.,
LLC. 590 Madison Avenue
New York, NY 10022

Accountant for El Tequilazo
Carlos Telias, Florida Office
23123 State Road, Ste. 236,
Boca Raton, FL 33428**Weygant, Nesarajah & Co.,**

- Copies of all documents: received from, provided to and or maintained by El Tequilazo Corp., El Mayelo Corp., Chips and Salsa Restaurant and/or its successors or assigns' accountant;
- Copies of any tax or financial records created, maintained by or concerning El Tequilazo Corp.;
- Identification of Meritza Ortiz's address, electronic mailing address and phone number;

Maritza Seguro-Velez
Addr.: 80-15 Grenfell St. Apt. B3,
Kew Gardens, NY 11215

- Identification of the full name of Mr. Longas's accountant including address, electronic mailing address and phone number;

Accountant for El Tequilazo
Carlos Telias, Florida Office
23123 State Road, Ste. 236,
Boca Raton, FL 33428**Weygant, Nesarajah & Co.,**

- Identification of the full name of El Tequilazo Corp.'s accountant including address, electronic mailing address and phone number;

Accountant for Navarros:
Alfred Nesarajah.
Weygant, Nesarajah & Co.,

10/22/2014

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CARLOS CASTILLO, on behalf of himself
and all others similarly situated,
DANIEL RODRIGUEZ, on behalf of himself
and all others similarly situated,
CARLOS PALMA, on behalf of himself
and all others similarly situated,

Plaintiffs,

-against-

12-CV-3180
(AKH)

EL TEQUILAZO CORP., MAELO CORPORATION
d/b/a CHIPS AND SALSA, MARITZA ORTIZ
a/k/a MARITZA SEGURO-VALEZ,
individually, ELENA ZULUAGA a/k/a
LUZELENA ZULUAGA, individually,
ABELARDO LONGAS, individually, LAZARO
NAVARRO, individually, FERNANDO
NAVARRO, individually, and JUAN
NAVARRO, individually,

Defendants.

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October 15, 2014
1:30 p.m.

Deposition of ABELARDO LONGAS, taken
by Defendants, pursuant to Notice, held at the
offices of Edward V. Sapone, P.C., 40 Fulton Street,
New York, New York, before Ann Brunetti, a Shorthand
Reporter and Notary Public within and for the State
of New York.

1 A. Longas

2 Response to Post-Deposition Discovery Demands,
3 correct?

4 A Yes.

5 Q And it starts out reading "Defendant
6 Abelardo Longas, by his attorneys, Office of Victor
7 J. Molina, provide the following information to
8 Plaintiffs in response to Plaintiffs' demands made
9 in letter from Rebecca Predovan, Esq."

10 It starts out saying that, correct,
11 sir?

12 A That's correct.

13 Q And as we scroll down to page 3, it
14 calls for identification of address and phone number
15 of El Maelo Corp., Chips and Salsa Restaurant and/or
16 its successors or assigns --

17 A Wait a second.

18 Q The top of page 3.

19 You there?

20 A Yes.

21 Q It calls for identification of address
22 and phone number of El Maelo Corp., Chips and Salsa
23 Restaurant and/or its successors or assigns,
24 accountant, correct?

25 A That's correct.

1 A. Longas

2 Q And this is a document that you
3 produced in this very case, correct?

4 A That's correct.

5 Q And you swore under the penalties of
6 perjury that the information on it was accurate and
7 complete, correct?

8 A That's correct.

9 Q And what you put on this document is
10 accountant for Navarros Alfred Nesarajah, correct?

11 A That's correct.

12 Q Accountant for El Tequilazo, Carlos
13 Telias, correct?

14 A That's correct.

15 Q Now, nowhere on this form that you
16 submitted through Benjamin Sharav, your lawyer, did
17 you list Mr. Vidal as an accountant for Chips and
18 Salsa, correct?

19 A That's correct. I forgot.

20 Q When, in fact, Mr. Vidal is the
21 accountant for Chips and Salsa in 2014, correct?

22 A Yes, that's correct.

23 Q And was he the accountant for Chips
24 and Salsa in 2013?

25 A Yes.

1 A. Longas

2 Q So you did not put accurate
3 information on your document, correct?

4 A I forgot. I forgot about Mr. Vidal.
5 Everything I put is true. I mean I didn't lie. I
6 forgot about Mr. Vidal, I don't know why.

7 Q Did you review this before it was
8 submitted in this case?

9 A Yes, I did.

10 Q Did you review it before you signed
11 the document --

12 A Yes.

13 Q Let me finish, please.

14 -- swearing to its accuracy and
15 truthfulness?

16 A Yes, I did.

17 Q And so when you read it, you did not
18 see Mr. Vidal on there, correct?

19 A Yes.

20 Q And you did not say anything or add
21 him, correct?

22 A No, because I totally forgot about it.
23 I thought it was about Tequilazo. There's no point
24 for me to lie that he's the accountant. He has all
25 the records. He's the accountant.